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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,440	02/23/2004	Hashem Mohammad Ebrahimi	1565.068US1	2576

21186 7590 04/14/2009

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EXAMINER	
KIM, JUNG W	

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,440	EBRAHIMI ET AL.	
	Examiner	Art Unit	
	JUNG KIM	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,10-25,27 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,10-25,27 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/17/08, 1/21/09 and 3/26/09* .
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the amendment filed on 1/21/09

2. Claims 1-6, 8, 10-25, 27 and 28 are pending.

Information Disclosure Statement

3. The IDS submitted on 9/17/08, 1/21/09 and 3/26/09 have been considered. Initialed copies are enclosed.

Priority

4. It is noted that the instant application is a continuation in part to application 10650211. However, the parent application does not disclose any embodiments that feature all limitations of each of the instant claims. For example, none of a forward proxy, reverse proxy and/or transparent proxy are identified as embodiments in the earlier application. Hence, the priority date with respect to the prior art for the instant application is the date of filing of the instant application. See amended specification filed on 1/21/09.

Response to Arguments

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

6. Claim 16-25, 27 and 28 are objected to because of the following informalities: In independent claim 16, replace "and to process on devices of a network the system, comprising" with "and to process on devices of a network, the system comprising". In independent claim 23 replace "and to process on one or more devices of a network the system, comprising" with "and to process on one or more devices of a network, the system comprising". Appropriate correction is required.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-6, 8, 10-25, 27 and 28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-

15, 17-22 and 24-26 of copending Application No. 10814983. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of the instant claims are defined in claims 1, 3-15, 17-22 and 24-26 of copending Application No. 10814983.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 are rejected under 35 U.S.C. 102(a and e) as being anticipated by Boneh et al. US 20040015725 (hereinafter Boneh).

11. As per claims 1-6, Boneh discloses a method for managing and accelerating the delivery of data implemented in a computer-readable storage medium and processed on a proxy device for performing the method, comprising:

a. receiving a secure communications request for data associated with a remote site, wherein the request is received from a client and the secure communications request occurs via Secure Socket Layer (SSL) communications with the client (paragraph 26) and wherein the request is received at a forward proxy that processes within a local processing environment of the client (fig. 4; paragraph 36, browser first sends a message CONNECT www.xyz.com to the web proxy; compare with paragraph 47, where no CONNECT messages is pre-appended); and

passing the request to a local managing service for processing acting as the proxy, wherein the local managing service is capable of caching the data for servicing the secure communications request of the client within the local processing environment of the client and capable of securely interfacing with the remote site (paragraphs 34-42; proxy performs caching on decrypted response);

b. determining, by the local managing service, when the secure communications request can be satisfied with cached data; and supplying the data from the cached data to the client with secure communications, when present in cache; requesting, by the local managing service, the data from the remote site if the data is not in the cache; receiving the data from the remote site; and supplying the data to the client with secure communications; housing the data in the cache for subsequent requests made by the client or other clients for the data, when the data is permitted to be cached (paragraph 42, all features are inherent in caching services);

c. maintaining, by the local managing service, a certificate associated with communications from the remote site (paragraph 41);

d. transmitting, by the local managing service, to the remote site a first certificate associated with the identity of the local managing service;

receiving, from the remote site, at the local managing service a second certificate associated with the identity of the remote site; and communicating between the remote site and the local managing service with Secure Sockets Layer (SSL) communications using the first and second certificates (paragraph 41).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 8, 10-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boneh.

14. As per claims 8 and 10-15, Boneh discloses a method of managing and accelerating delivery of data implemented in a computer-readable storage medium and to process within a local networking environment of a client for performing the method, comprising:

e. processing a local service of a proxy for communicating securely with the client and for acting on behalf of the client during interactions between the client and a remote site (fig. 4), wherein the local service processes within a local environment of the client and uses Secure Socket Layer (SSL) communications when interacting with the client (paragraph 26); managing authority from the remote site at the local service, wherein authority is managed by accessing a certificate of the remote site at the local service; and caching, within the local service, data received from the remote site, and wherein portions of the data are sent to the client in order to service data requests made from the client to the remote site (paragraphs 46-54);

f. communicating securely between the local service and the remote site using a secure communications channel (paragraph 53);

g. initially transmitting a local service certificate to the remote site; and subsequently communicating securely between the local service and the remote site using the local service certificate and the certificate of the remote site (paragraph 53);

h. establishing the proxy as a transparent proxy for the client (paragraph 47);

i. inspecting at the proxy a secure request made from the client for the remote site; and transferring the secure request to the local service for processing (paragraph 52);

j. wherein caching further includes housing the data in a decrypted format within cache of the local service (paragraph 54, caching services are performed on decrypted response);

k. wherein caching further includes sending the portions of the data from the cache to the client along with the certificate associated with the remote site (paragraph 49 and 54 [cache services]).

15. Although Boneh does not expressly disclose wherein the local service presents itself to the client as the remote site and acts as a reverse proxy on behalf of the remote site from the local environment of the client, this feature is notoriously well known in the art. For example, Netscape Proxy Server v. 3.5 supports this feature (see for example, "Netscape Proxy Server Administrator's Guide Version 3.5 for Unix" Chapter 7 ["reverse mapping"] (entered 2/23/04)). It would be obvious to one of ordinary skill in the art at the time the invention was made wherein the local service presents itself to the client as the remote site and acts as a reverse proxy on behalf of the remote site from the local environment of the client. One would be motivated to do so to hide the type of servers behind the reverse proxy as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 8 and 10-15.

16. As per claim 16-22, Boneh discloses a data management and acceleration delivery system implemented in computer-readable storage media and to process on devices of a network, the system comprising:

l. a proxy; a local service accessible to the proxy; and a remote site external to the proxy, wherein the proxy directs secure requests received from a client for the remote site to the local service (fig. 4), the local service acts as a transparent proxy on behalf of the client and communicates securely with the client using Secure Socket Layer (SSL) communications (paragraph 26) and interacts securely with the remote site to acquire data on behalf of the client, and wherein portions or all of the acquired data are cached within the local service and used to service requests made by the client from within a local environment of the client (paragraphs 46-54);

m. wherein the local service includes a certificate with an identity of the remote site which is vended to the client (paragraphs 37 and 49);

n. wherein the local service and remote site mutually interact securely with one another by exchanging certificates with one another (paragraph 53);

o. wherein the local service and the remote site sign communications occurring between them (in SSL client authentication and key exchange is performed via signature);

p. wherein the client is a browser application (paragraph 46);

q. wherein the browser is configured to contact the proxy when making requests directed to the remote site (paragraph 48);

r. wherein the proxy intercepts requests made from the browser which are directed to the remote site and forwards the requests to the local service for handling the requests (paragraph 46).

17. Although Boneh does not disclose the local service acts as a reverse proxy on behalf of the remote site, this feature is notoriously well known in the art. For example, Netscape Proxy Server v. 3.5 supports this feature (see for example, "Netscape Proxy Server Administrator's Guide Version 3.5 for Unix" Chapter 7 ["reverse mapping"] (entered 2/23/04)). It would be obvious to one of ordinary skill in the art at the time the invention was made wherein the local service acts as a reverse proxy on behalf of the remote site. One would be motivated to do so to hide the type of servers behind the reverse proxy as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 16-22.

18. As per claims 23-25, 27 and 28, Boneh discloses a data management and acceleration delivery system implemented in a computer-readable storage medium and to process on one or more devices of a network, the system comprising:

s. a proxy; and one or more local services directly accessible to the proxy, wherein the proxy acts as an intermediary between one or more clients and one or more remote sites (fig. 4), the proxy detects attempts made by the clients for establishing secure communications with the remote sites and based on the identities of a particular client and particular remote site identifies a particular local service, the particular local service communicates securely with the particular client, via Secure Socket Layer (SSL) (paragraph 26) communications as a transparent proxy to the particular client, and the particular local service securely communicates with the particular remote site, and wherein the particular

local service caches data received from the particular remote site for purposes of servicing requests for portions of that data requested by the particular client and the cached data resides within local environments of the particular client (paragraphs 46-54);

t. wherein each local service is associated with a unique one of the remote sites (paragraph 31);

u. further comprising switching logic that intercepts requests from the clients which are directed to the remote sites and forwards them to the proxy (paragraph 46);

v. wherein each of the local services includes a certificate associated with a unique one of the remote sites; wherein a number of the local services communicates securely with a number of the remote sites by initially exchanging mutual certificates (the invention operates via SSL or TLS).

19. Although Boneh does not disclose the particular local service securely communicates with the particular remote site as a reverse proxy for the particular remote service this feature is notoriously well known in the art. For example, Netscape Proxy Server v. 3.5 supports this feature (see for example, "Netscape Proxy Server Administrator's Guide Version 3.5 for Unix" Chapter 7 ["reverse mapping"] (entered 2/23/04)). It would be obvious to one of ordinary skill in the art at the time the invention was made wherein the particular local service securely communicates with the particular remote site as a reverse proxy for the particular remote service. One would be motivated to do so to hide the type of servers behind the reverse proxy as known to

one of ordinary skill in the art. The aforementioned cover the limitations of claims 23-25, 27 and 28.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Bellwood et al. US 6,584,567 discloses a proxy establishing a secure communication between a client and a set of servers and further providing caching services.

22. Chawla et al. US 7,137,143 discloses a secure reverse proxy establishing separate secure connections between a client and a web server and further providing caching services.

23. "Secures Sockets Layer Discussion List FAQ v1.1.1," pg. 7 (entered 9/17/08) discloses establishing separate secure connections between a client and a Netscape Proxy server and between a Netscape Proxy server and an external server.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/Jung Kim/

Primary Examiner, AU 2432